

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL OCTOBER 7, 2015

The regular meeting of the Middleton City Council on October 7, 2015 was called to order by Mayor Darin Taylor at 6:30 p.m. Mayor Taylor introduced the following City officials in attendance: City Attorney Chris Yorgason of Yorgason Law, City Engineer Amy Woodruff of Civil Engineers, Deputy City Clerk Kandice Cotterell, Commissioner Mike Dittenber of the Greater Middleton Parks and Recreation District (GMPRD), and Victor Islas and Commissioner Tim O'Meara of the Middleton Rural Fire District.

Roll Call: Council Members Carrie Huggins, Beverlee Furner and Council President Lenny Riccio were all present, and Council Member Kiser was absent. Mayor Taylor declared a quorum of council members present, and proceeded with Council business.

Mayor Taylor requested to add the Idaho Gem Grant application to the agenda as item k.

Motion: Motion by Council President Riccio to accept the amended agenda with the added item as posted was seconded by Council Member Furner and carried unanimously.

4) Consider accepting the Bid Proposal from, and hiring, National Coatings Inc. to clean and repaint in April 2016 the exterior of the City's existing water storage tank for an amount not to exceed \$46,415.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

City Engineer Woodruff added that no permits are needed to work on the exterior of the water tank. Council Member Huggins said that she is fine with waiting for this project to happen in the spring of 2016 as requested by National Coatings if the City is unable to receive an acceptable bid from someone willing to perform the work sooner. Council requested staff obtain at least one additional bid.

Motion: Motion by Council President Riccio to table the item until the October 21, 2015 meeting was seconded by Council Member Furner and carried unanimously.

3) Administrative Action/Consent Agenda:

Motion: Motion by Council President Riccio to approve payroll and miscellaneous accounts payable was seconded by Council Member Huggins and carried unanimously.

Council President Riccio asked if clarification was added to the minutes regarding the square footage being vacated in the Fred and Marge Curry application to vacate Elderberry right-of-way. Mayor Taylor said that it had been, and read the added information which Council President Riccio confirmed was the information he wanted added.

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Motion: Motion by Council President Riccio to approve the Administrative Action/Consent Agenda items was seconded by Council Member Huggins and carried unanimously.

5a) Information: Introduce Officer Chris Graham

Chief Zimmerman introduced Officer Graham, who told Council about himself and answered Council questions.

5b) Information: Sergeant Steve Walker

Sergeant Walker spoke about training that Middleton Police Officers received from the Center of Missing and Exploited Children, and was excited to report that the Middleton Police Department (MPD) will be the first agency in Idaho to be fully certified by that organization.

Sergeant Walker then thanked Mayor and Council for taking the step to start a City Police Department, it was just over a year ago that Chief Zimmerman was sworn in. It was a bold step and Sergeant Walker believes it was the right step for the City. He said he is grateful for the type of people that are a part of the department: Valiant, Honest, and examples of Leadership. Sergeant Walker then presented "Challenge Coins" to Chief Zimmerman, Mayor and Council, all MPD Officers, and MPD volunteer Colleen Bishop.

Autumn Hutchison of the Mayor's Youth Advisory Council (MYAC) reported about recent and upcoming activities and projects the MYAC is working on, and answered Council's questions.

Ms. Hutchinson reported on:

- Liaison reports from other local government taxing districts,
- Teaming with the fire district for upcoming Jeanie Allen Memorial Foosball Tournament,
- Coat Drive to collect new and gently-used coats that will be distributed to those in need,
- Rake-up Middleton scheduled for November 14, 2015 at 9:00 a.m., and
- Some delegates attending the National League of Cities Conference Nov. 4-7, 2015.

Council President Riccio asked what the deadline will be for the coat drive, and Autumn answered that they do not have a deadline yet but that they are thinking around Thanksgiving.

Mayor Taylor thanked Ms. Hutchison and told her to count on help from the City Council with the coat drive and Rake-up Middleton.

5c) Information: Becky O'Meara, Historical Society request regarding museum

Mayor Taylor presented the item and answered Council's questions. He thanked the Middleton Historical Society for all of its members' time and effort, and especially Tim

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O'Meara for all of the hours he has volunteered to complete much of the work done to date as part of the remodel effort. He added that the City was excited to announce that they had found a way to preserve the exterior original wood beams at the corners of the buildings as requested by the Society.

Mayor Taylor then presented Becky O'Meara of the Middleton Historical Society to speak on the item. Mrs. O'Meara asked that work be stopped on the project until she could inspect the Styrofoam being used, she does not want Styrofoam on her building. She believes that it will take away from the exterior look of building and could possibly make it so grants will become unavailable. She also does not want the museum to be painted the same color as the rest of the buildings it is connected to. Mayor Taylor apologized that she was upset, He understood that Mrs. Crofts had confirmed with the builder, and was unaware that this process was an issue. He assured her that Mrs. Crofts was aware of grant opportunities and would not do anything to jeopardize those. Mayor Taylor offered to meet with the O'Mearas and Becky Crofts first thing the next morning on-site to review the planned exterior finish materials and color.

Council Member Huggins commented that she attended the meeting regarding construction and admitted that she as well became focused on the wood inside of the building. She acknowledged the exterior base of the building was discussed, and apologized that she got caught up in all of the emails that were traded back and forth.

5d) Consider appointing Randall Falkner as the Planning and Zoning Officer

Mayor Taylor introduced Randall Falkner to the Council, and asked Mr. Falkner to tell Council a about himself and his employment background. Mayor Taylor then appointed Mr. Falkner as the City Planning and Zoning Official and asked Council to confirm the appointment. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Motion: Motion by Council President Riccio to confirm Randall Falkner as the Middleton Planning and Zoning Official was seconded by Council Member Furner and carried unanimously.

5e) Consider approving Final Plat for Falcon Valley Subdivision No. 3

Mayor Taylor presented the item and answered Council's questions.

City Engineer Woodruff stated that the City had not received a revised plat showing requested revisions. Construction drawings are done, and the applicant is working through a few final issues but has a great contractor so it should be a smooth project.

Motion: Motion by Council President Riccio to table the item until a final plat has been received and reviewed by the City was seconded by Council Member Furner and carried unanimously.

5f) Consider accepting the grant award and approve the State and Local Project Agreement, Land and Water Conservation Fund, Project No. 16-00572 for Piccadilly Park splash pad, Project Period 10/1/2015 – 12/31/2017, to receive up to \$148,500 grant funds.

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Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Council President Riccio asked about one of the grant requirements requiring leaving open space, and Mayor Taylor responded that the requirement is that the park will always be a park. If the park does not remain a park, then the City is obligated to return the grant money.

Motion: Motion by Council President Riccio to accept the grant award and approve the State and Local Project Agreement, Land and Water Conservation Fund, Project No. 16-00572 for Piccadilly Park splash pad, Project Period 10/1/2015 – 12/31/2017, to receive up to \$148,500 grant funds was seconded by Council Member Furner and carried unanimously by roll call vote.

Mayor Taylor declared a recess and reconvened at 7:47 p.m.

Motion: Motion by Council President Riccio to table items 5j and 5k until the October 21, 2015 meeting was seconded by Council Member Furner and carried unanimously.

Department Comments:

Mayor Taylor invited the City Engineer to provide her department report and then be excused to help keep costs down. City Engineer Woodruff referred to the memo sent to Mayor and Council, reviewed ongoing City projects, and answered Council's questions.

5g) Consider approving the purchase of ADA – compliant automatic door openers for the Middleton Library from Western Specialties Inc. in the amount of \$5,149.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Council President Riccio said that the Library Board is very grateful for the automatic door openers. Council Member Huggins asked that after the interior of the library was updated to become ADA-compliant, was this the last step to make the entire building ADA compliant and Mayor Taylor answered that yes it was.

Motion: Motion by Council President Riccio to approve the purchase of ADA – compliant automatic door openers for the Middleton Library from Western Specialties Inc. in the amount of \$5,149 was seconded by Council Member Huggins and carried unanimously.

5h) Consider approving the annual assessment payment to Valley Regional Transit (VRT) in the amount of \$8,148 and signing the Cooperative Agreement.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Council Member Huggins stated that breaking down the contract per rider would not be looking at the bigger picture, which other councils have struggled with in the past. She added that VRT

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offers many services and she hopes to inform residents more about them so those services can be used more.

Council President Riccio added that it would take the City many years to be able to pay the amount it is receiving in the grant at Piccadilly Park, and the benefit to Middleton, its residence and the future of the park itself is great.

Motion: Motion by Council President Riccio to approve the annual payment to Valley Regional Transit in the amount of \$8,148 and not signing the Cooperative Agreement was seconded by Council Member Huggins and carried unanimously.

5i) Consider a request from Middleton School District #134 to waive fees associated with Middleton Heights Elementary and Mill Creek Elementary modular classroom projects.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Council Member Huggins stated the way she views charging other local taxing districts is to charge them what it would cost, as opposed to someone that is not a taxing district using it. She is in favor of having direct cost reimbursed.

Council President Riccio added that to continue a good working relationship he believes is best to approve and keep moving forward, he has no problem with waiving the fees.

Motion: Motion by Council President Riccio to approve a request from Middleton School District #134 to waive the fees associated with Middleton Heights Elementary and Mill Creek Elementary modular classroom projects was seconded by Council Member Furner and carried unanimously.

5l) Consider declaring for sale a portion of the city's real property at 315 S. Murphy Dr., and determining a value or minimum price or whether to offer the property for sale without establishing a minimum price.*

***Note: Once the declaration is made, the clerk shall publish a summary of the declaration and notice of the proposed conveyance in the Idaho Press Tribune at least 14 days prior to the date of a city council hearing. After the hearing, the council may convey or sell the property. If offering for sale, the property shall be sold at public auction to the highest bidder. If no qualified bids are received, the council has authority to sell the property as it deems in the best interest of the city.**

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item.

Jim Taylor said that he does not blame the Council for not knowing the steps regarding the sale of property. He has watched the County sell gravel pits, and he follows tax sales. He added that after the last meeting he was able to find the State statutes online. He then asked if steps have been taken to rescind the sale, and Mayor Taylor responded that yes they have, that is what this item is in regards to.

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Council President Riccio asked with Mr. Jim Taylor's experience in buying properties if he will try to buy the property, and Jim Taylor responded that he was not sure if he will, but that he thinks that the City should get an appraisal and then establish minimum price for the land.

Mayor Taylor stated that he read in paper, and had heard Jim Taylor say again tonight, that he claimed the Mayor took action to sell the property before City Council approved the action and sale. Mayor Taylor said he just wanted to correct that, and make sure they were all talking about the same thing. Idaho Code allows cities to negotiate land acquisitions and discuss those in executive session. City Council discussed the exchange of property with Burgess Pump, and sale of property to the Halls, in executive session according to state law. In open session, the City Council did take action to authorize those transactions.

Council President Riccio asked James Taylor if there was a potential that he may or may not try to purchase the subject property, and Mr. Taylor "yes" sure there was a possibility.

Mayor Taylor asked if the Council would like to determine a value of the property. Council Huggins stated she is not qualified to determine fair market value of land, and the Council decided it did not want to determine a value for the land to be sold.

Mayor Taylor then asked if the Council would like to set a minimum price for the property or sell it at auction without setting a minimum price.

Council President Riccio said that setting a minimum price is a reasonable direction to move forward with.

Council Member Huggins asked for clarification on the steps of a land auction, and Mayor Taylor explained the steps of the process required by state law.

Mayor Taylor asked how many Council Members were in favor of setting a minimum price, and all three said that they were. Council Member Huggins stated that her thought is to use the amount the Halls offered as a minimum price, and Council Member Furner agreed.

City Attorney Yorgason added that there is not a requirement that there be a title Company involved. The latest statute is worded that the City can exchange or convey by good and sufficient deed or under appropriate instrument in writing.

Council President Riccio said he believes that \$25,000 is a good minimum price.

Motion: Motion by Council President Riccio to declare the sale of the City's real property at 315 S. Murphy Dr. and determine a minimum bid price of \$25,000 was seconded by Council Member Huggins and carried unanimously.

Public Comments:

Mike Dittenber, Commissioner of the Greater Middleton Parks and Recreation District (GMPRD), just wanted to clarify some of the comments made by the Mayor's Youth Advisory Council representative at the District's monthly meeting. A man came to the District's meeting and stated that he would like to use their fields at Foote Park to play Frisbee on but that there are always soccer and baseball games on them. Mr. Dittenber informed him that GMPRD parks

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are for sporting events and leagues and are so scheduled and that the City has many leisure parks that are within walking distance that are open to residence every day. Mr. Dittenber added that GMPRD will be adding grass and irrigation to the open field at Foote Park soon and welcomes the opportunity for future development with the City.

Georgia Smith said she understands the constraints and restrictions GMPRD is under, but she would really like to see grass added to Foote Park soon. She said the dirt is not neighbor-friendly and she added that she is very encouraged by the steps spoken about tonight. She believes that a public recreation center and parks in a town with lower income families is a very good thing. She loves the pathways in Middleton Place Park. She said that they are used all of the time, there is never a time when she walks that she doesn't see at least a half dozen other walkers. She added that looking into a dog park would be a great addition.

Tyson Sparrow commented on the fee waiver for the school district, he never said he is against waiving fees for tax entities.

Jim Taylor asked if the City Council has to agree to buy or sell property in open session or can it be done solely in executive session, and Mayor Taylor answered no, the negotiations can be done in executive session and the authorization to buy or sell in open session.

Department Comments - Continued:

Mayor's Comments:

- Last month there were 24 residents that did not pay their utility bill prior to water shut off, which equals about one percent (1%) of the City's population, and is a pretty consistent number.
- There are approximately 47 properties that use a high volume of water during the summer months, and that number drops by half in non-summer months.
- Regarding the City action with Coleman Homes to try to come to an understanding regarding the Park Dedication Agreement and Impact Fee Agreement, the City received notice that Coleman Homes requested the judge be disqualified without cause, so the next step will be to wait for a new judge to be assigned to the case.
- Sample ballots for the upcoming election are published and available for review.

Council Comments:

Council Member Huggins reported that Verizon has begun construction on the cell tower on her property.

Executive Session pursuant to Idaho Code and possible decision(s) to follow:

74-206(1)(c) Land acquisition

74-206(1)(e) Employee Performance

74-206(1)(f) Potential litigation

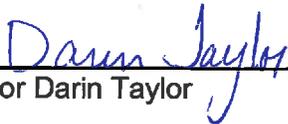
Motion: Motion by Council President Riccio to open Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(c) Land acquisition and 74-206(1)(f) Potential

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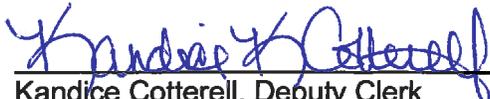
litigation was seconded by Council Member Furner and carried unanimously by roll call vote at 9:37 p.m. Executive Session was closed at 10:00 p.m. and no decisions were made to be made.

Motion: Motion by Council President Riccio to adjourn was seconded by Council Member Furner and carried unanimously. Mayor Taylor declared the meeting adjourned at 10:01 p.m.

ATTEST:



Mayor Darin Taylor



Kandice Cotterell, Deputy Clerk
Approved: November 20, 2015

